



# **Austin City Council MINUTES For**

**JANUARY 31, 1991**

## **MEETING CALLED TO ORDER - 1:00 P.M.**

Mayor Cooke called to order the meeting of the Council, noting the absence of Councilmember Carl-Mitchell, who was out of the City.

## **MINUTES APPROVED**

1. Approved Minutes for Regular Meeting of January 24, 1991 and Special Meeting of January 25, 1991.

On Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Carl-Mitchell absent.

## **1:00 P.M. - CITIZEN COMMUNICATIONS**

2. Mr. Gavino Fernandez Jr. discussed City business.
3. Mr. Larry Theodore Binning discussed current City business.
4. Mr. John C. Hendrick, to contest removal of Elm tree at 807 E. 32 1/2 St. did not speak.
5. Mr. Tim Hamblin discussed Cable T.V. issues and current development in new facility.
6. Jon R. Carlson, to discuss the City budget did not speak.
7. Mr. Dave N. Elliott discussed current City issues.
8. Mr. Thom Prentice discussed City issues.
9. Mr. Eric Anderson discussed current City issues.
10. Mr. Leonard Lyons discussed communications to and from the Council.
11. Mr. Richard Trachtenburg discussed current City issues.

## INTRODUCTION OF VISITORS

Mayor Cooke introduced Greg Davis, Executive Vice-President, Greater Austin-San Antonio Corridor Council, who introduced guests from Monterrey, Mexico.

## BOARD AND COMMISSION REPORTS

### 12. Bergstrom Airport Task Force - Status Report

Jim Steed stated that the Task Force was requesting an additional two weeks to complete the report. The Council agreed with the request.

## ITEMS CONTINUED FROM PREVIOUS MEETING

Mayor Cooke announced Items 13 and 39 would be taken together. Mayor Cooke stated: "My request to repeal Ordinance No. 890824-F would be repealing Parts 1-3 and 5-9 and amending Part 4 of the Ordinance. I think that meets some of the concerns that individual Councilmembers had about deleting the entire ordinance and hopefully that will meet with more support from the Council."

"Councilmember Larson asked for a clarification, "This would eliminate the Convention and Visitor's Board but would preserve the funding for the Capital City Chamber of Commerce and Hispanic Chamber of Commerce?" Mayor Cooke said that was correct.

13. Approved amending Ordinance No. 900913-A by transferring \$1,855,772 from the currently approved FY 1990-91 budget of the Austin Convention and Visitors Bureau to the FY 1990-91 Operating Budget of the Convention Center Department; amending Ordinance No. 900913-A by transferring sixteen (16) FTEs from the Austin Convention and Visitors Bureau Department to the Convention Center Department. (Continued from January 17, 1991) [Related to Item 39]

On Councilmember Larson's motion, Mayor Cooke's second, 6-0 Vote, Councilmember Carl-Mitchell absent.

AND

39. Repealed Ordinance No. 890824-F creating the Convention and Visitors Commission, (Mayor Lee Cooke) [Related to Item 13]

On Councilmember Larson's motion, Mayor Cooke's second, with a friendly amendment by Mayor Pro Tem Urdy to leave Part 4 intact except change the name of the Department to Austin Convention Department: (6-0 Vote, Councilmember Carl-Mitchell absent.)

"The City Manager shall have as a goal for the budget of the Austin Convention Department to use up to one quarter cent of the one and one half cents out of seven cent hotel occupancy tax for the promotion of tourism and conventions among ethnic minority markets; these promotional services are to be provided by minority firms or agencies.

"An additional goal shall be to use up to one quarter cent of the one and a half cents for historical preservation and restoration projects and activities as per Texas Revised Civil Statute 1269J-4.1, Sec. 3C(5), as amended."

14. Approved third reading of an Ordinance ordering an election to be held in the City of Austin on May 4, 1991 for the purpose of electing the Mayor and three Councilmembers of the City of Austin for a term of three years beginning June 15, 1991; and amending Ordinance No. 880128-R by changing the date for a run-off election, if required. (Councilmember Bob Larson) (Public Hearing held January 17, 1991 - No Citizen Sign Up)

On Councilmember Epstein's motion, Councilmember Barnstone's second, 6-0 Vote, Councilmember Carl-Mitchell absent.

#### ORDINANCES

15. Approved second/third readings of an Ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as property situated south of U.S. 290 west along (proposed) Staggerbrush Road, Case No. C14-86-305(part) from DR, Development Reserve, to "GR-CO", Community Commercial-Conditional Overlay for Tracts 1 & 14; "GR-MU-CO", Community Commercial-Mixed Use Combining District-Conditional Overlay for Tract 2; "GO-CO" General Office-Conditional Overlay for Tracts 3 & 4; "LO-CO" Limited Office-Conditional Overlay for Tracts 5 & 12; "P", Public District for Tract 2; "MF-2-CO", Multi-Family Residence (Low Density)-Conditional Overlay for Tracts 7-11 & 16; "MF-3-CO", Multi-Family Residence (medium density)-Conditional Overlay for Tract 13' and "RR" Rural Residence for Tracts 17 & 18, STORM PROPERTIES, by Terrence L. Irion. First reading on June 4, 1987; Vote 5-1-0, Mayor Cooksey voted "No" and Councilmember Urdy was out of the room. Conditions met as follows: Conditional Overlay and Right-of-way requirement has been accomplished. Phasing Agreement incorporating conditions imposed by Council has been executed.

16. Amended the Fern Bluff Consent Agreement to reduce the amount of park facilities to be constructed prior to the disbursement of the first bond issue from \$306,500 to \$150,000 and to require the developer to spend 15% of the amount of all future bond issues in park facilities until the total obligation of \$613,000 is met.

17. Authorized Fern Bluff MUD to issue district bonds not to exceed \$1,500,000 for reimbursement of expenses associated with the construction of an offsite 16" waterline and internal water, wastewater and drainage improvements, a share of a 1.5 million gallon water tank, and a wastewater approach main. (No City funding required). FIRST READING ONLY

#15-17 On Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, #15 and 16 5-0 Vote, Councilmember Barnstone out of the room, Councilmember Carl-Mitchell absent; #17 4-1 Vote, Councilmember Epstein voted No, Councilmember Barnstone out of the room, Councilmember Carl-Mitchell absent.

18. Approved amending the budget for the Employee Benefits Fund to increase revenues and expenditures by \$733,333 to provide for employee contribution to fund Long Term Disability coverage. (Related to Item 25)

On Mayor Pro Tem Urdy's motion, Mayor Cooke's second, 6-0 Vote, Councilmember Carl-Mitchell absent.

#### RESOLUTIONS

19. Authorized and approve the filing of Eminent Domain Proceedings to acquire 0.914 acres of land in fee simple out of the Thomas Anderson Survey No. 17, in the City of Austin, Travis County, Texas, owned by John D. Byram, et ux Sally D. Byram, for the U.S. Highway 290/S.H. 71 Improvement Project.

20. Authorized and approve the filing of Eminent Domain Proceedings to acquire a 10' wide permanent wastewater easement containing 613 square feet of land out of a part of Lot 1-B, Town and Country Village Addition, Section 2-A, a Subdivision in the City of Austin, Williamson County, Texas, owned by James A. Mattox, Trustee for the U.S. Highway 183 Improvement Project.

21. Authorized and approve the filing of Eminent Domain Proceedings to acquire the following: 0.380 of one acre in fee simple containing 16,568 square feet of land, fee title to a metal frame canopy located partially on the remaining property and a 10' wide permanent wastewater easement containing 2,349 square feet of land out of a part of Lot 1, Balcones Commercial Section Two, a Subdivision partially in the City of Austin, Williamson County, Texas, owned by Texaco Refining and Marketing, Inc., for the U.S. Highway 183 Improvement Project.

22. Authorized and approve the filing of Eminent Domain Proceedings to acquire a 15' wide permanent water and wastewater easement containing 6,707 square feet of land out of a part of Lot 1, resubdivision of a portion of block G of Summit Oaks Subdivision, a subdivision in the City of Austin, Travis County, Texas, owned by C.B. Carpenter, et ux Judy Carpenter, for the U.S. Highway 183 Improvement Project.

23. Authorized and approve the filing of Eminent Domain Proceedings to acquire 3.405 acres of land in fee simple out of Lot 1 of Maconda Park Sections 1, 2 and 3, a subdivision situated in the Elisha Allen Survey, Abstract No. 18, located in the City of Austin, Williamson County, Texas, owned by Maconda Park Joint Venture, a Texas General Partnership for the U.S. Highway 183 Improvement Project.

24. Approved execution of a contract with CANNON'S UNIFORMS, Garland, Texas, and VALLEN SAFETY SUPPLY, CO., Austin, Texas, for a twelve (12) month supply agreement for the purchase of fire retardant uniforms in a total estimated amount of \$119,295 for Cannon's Uniforms, and a total estimated amount of \$156,740 for Vallen Safety Supply CO., for an estimated total amount of \$276,035. (Funding included in the 1990-91 Operating Budget for General

Services Department). Low bid of four (4). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 910113-1B0.

#19-24 on Councilmember Epstein's motion, Councilmember Larson's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Carl-Mitchell absent.

25. Approved a contract award to MITCHELL COMPANY, MBE, 6810 Terra Oak Circle, P.O. Box 15909, Austin, Texas, underwritten by STANDARD INSURANCE COMPANY, 7324 Southwest Freeway, Arena Tower Two, Houston, Texas, for Long Term Disability Coverage, in an estimated amount not to exceed \$733,333. Best bid of five (5). [Self-Funding - Options Benefit funded by employee contributions]. (Related to Item 18)

On Mayor Pro Tem Urdy's motion, Mayor Cooke's second, 6-0 Vote, Councilmember Carl-Mitchell absent.

26. Approved execution of an amendment to the contract with ERISA ADMINISTRATIVE SERVICES, INC., and the City of Austin to increase the contract from a not to exceed \$728,740 to \$998,029, an increase of \$269,289, for third party employee health benefit administrator services and the inclusion of the following services: Preferred Provider Administration and expanded Pre-Certification and Utilization Review to include Utilization and Case Management. (Funding included in the Employee Benefits Fund). Reference File No. SA-174-90.

27. Authorized application for and acceptance of a grant in the amount not to exceed \$58,000 from the National Park Service to renovate Downs-Mabson Park. (City's match is \$24,591).

28. Approved an Interlocal Agreement with Austin Community College and Austin Emergency Medical Services (EMS) to provide field internship for Paramedic students. (Self-Funding - Student fees will amount to approximately \$8,000 in revenue to the City in FY 1990-91).

29. Allocated \$32,000 from unprogrammed 14th Year Community Development Block Grant (CDBG) funds to provide assistance to Focusing Resources on Employment, Education and Enterprise (FREEE) and perform ongoing monitoring of the six programs to be provided. (Recommended by Housing Subcommittee)

30. Approved the naming of a youth playing field at the South Austin Optimist Sports complex in Garrison Park in recognition of Mr. Robert Boddy.

31. Set a public hearing to approve the dedication of a temporary electric distribution line easement across a portion of Northwest Park in accordance with Section 26.0001 et. seq. of the Texas Parks and Wildlife code. Date and time: February 28, 1991 at 5:30 p.m.

#26-31 on Councilmember Epstein's motion, Councilmember Larson's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Carl-Mitchell absent.

**4:00 P.M. - ZONING HEARINGS AND CONSIDERATION OF ORDINANCES**

**ZONING DISTRICTS**

32. C814-74-013 - LAKEWOOD SECTION 5-A (PUD), by Leon Thompson, 7505-7621 Lakewood Drive. (Planned Unit Development Ordinance Amendment).

Closed the public hearing, on Councilmember Barnstone's motion, Councilmember Larson's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Carl-Mitchell absent.

Passed through FIRST READING on Councilmember Barnstone's motion, Mayor Cooke's second, 6-0 Vote, Councilmember Carl-Mitchell absent.

**Recommended as Requested**

33. C14-90-0084 - CAPITAL NATIONAL BANK, by Morrison Properties, 8501 Cameron Road, from "LO" to "SF-3".

**ORDINANCE APPROVED**

**Recommended as Requested, With Conditions**

34. C14-90-0071 - COURTNEY BAKER, by Robert Baker, 611 Nelray Boulevard, from "SF-3" to "MF-3". (Planning Commission Recommendation: MF-3-CO)

**FIRST READING**

#33-34 On Councilmember Nofziger's motion, Councilmember Larson's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Carl-Mitchell absent.

**Not Recommended**

35. C14-90-0081 - HYDROLAB CORPORATION, by Stuart Garner, 3200-3500 Oak Creek Drive, from "SF-3" to "LI"; Amended to "IP".

Postponed to February 28, 1991 at 4:00 P.M.

**PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS**

36. 4:30 P.M. - Amend Chapter 13-7, Article I (Water Quality) of the Austin City Code of 1981 by providing regulations for development in Urban Watersheds; and establishing a formula for payment in lieu of structural stormwater controls (13-2-19.1)

Postponed indefinitely.

37. 6:00 P.M. - (a) Approved creation of Tax Abatement Reinvestment Zone No. Five for Applied Materials, on 84.241 acres fronting 9640-9770 U.S. Hwy. 290 East within the Harris Branch Industrial area, in accordance with Sec. 312.202 of the Texas Tax Code.

(b) Authorized execution of a Tax Abatement Agreement with Applied Materials, Inc.

(c) Approved the Applied Materials Incentive Ordinance waiving building and development fees in the amount of \$135,524 charged by the Department of Planning and Development and the Water and Wastewater Utility for a five (5) year period.

(d) Authorized negotiation and execution of a participation agreement with Applied Materials, Inc., for participation in the New Commercial Construction Rebate Program, in accordance with the Program guidelines approved by City Council, as may be amended from time to time.

Public hearing closed, and approved on Councilmember Nofziger's motion, Mayor Cooke's second, 6-0 Vote, Councilmember Carl-Mitchell absent.

38. 6:30 P.M. - Amend Chapter 13-8, Article VII of the Land Development Code of the City of Austin by adding provisions regulating the permitting and storage of common pool treatment chemicals. (Net fiscal impact estimated to be a net annual General Fund decrease of \$2,773 due to decreased collection of permit revenues).

Public hearing closed and approved on Councilmember Nofziger's motion, Mayor Cooke's second, 6-0 Vote, Councilmember Carl-Mitchell absent.

#### ITEMS FROM COUNCIL

39. Discussed and approved with Item 13, see page 2.

40. Directed the City Manager not to remove the Cedar Elm tree at 807 East 32 1/2 Street. (Councilman Robert Barnstone)

There was discussion concerning the tree with a presentation by staff showing why the tree should not be saved and testimony from the public telling why the tree should be saved. Councilmember Barnstone stated his reasons for wanting to save the tree and Mayor Cooke asked, "The preponderance of evidence is that this tree is safe and you are making a motion to save this tree?" Councilmember Barnstone said, "So moved, Mayor". Councilmember Epstein seconded the motion.

Mayor Cooke stated: "Before we call the roll, let me say, we did ask the staff to look at this extensively. That was the instructions of the Council. I think we need to record that for the record."

On Councilmember Barnstone's motion, Councilmember Epstein's second, 5-1 Vote, Councilmember Nofziger voted No, Councilmember Carl-Mitchell absent.

41. Direct the City Manager to amend the FY 1990-91 CIP to fund a 16" water main extension in RR 620 to serve the proposed State Farm Insurance property located in North Austin MUD. (Mayor Lee Cooke)

Postponed to February 14, 1991.

42. Approved an Ordinance amending the 1990-91 budget by appropriating \$5,000 from the Leverage Loan Pool - Music Industry Loan Program to the Department of Planning and Development to fund a Music Business Incubator Feasibility Study. (Councilmember Michael "Max" Nofziger).

On Councilmember Nofziger's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Carl-Mitchell absent.

EXECUTIVE SESSION (No Public Discussion on These Items)

Mayor Cooke announced that Council would go into Executive Session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation, and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

43. Pending/Contemplated Litigation - Section 2, Paragraph e

(d) Discussion of James P. Snider and Bartha Snider v. Schlumberger Well Services, et al v. City of Austin, d/b/a Brackenridge Hospital, et al, CA: 454,387.

RECESS FOR EXECUTIVE SESSION

Council recessed from 2:52 to 3:30 P.M. for executive session.

ACTION ON THE FOLLOWING

44. Approved settlement of James P. Snider and Bartha Snider v. Schlumberger Well Services, et al v. City of Austin, d/b/a Brackenridge Hospital, et al, CA: 454-387.

Approved \$35,000 settlement, on Councilmember Epstein's motion, Councilmember Nofziger's second, 4-0 Vote, Mayor Pro Tem Urdy, Councilmember Barnstone out of the room, Councilmember Carl-Mitchell absent.

ADJOURN

7:17 P.M. - On Councilmember Epstein's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Carl-Mitchell absent.